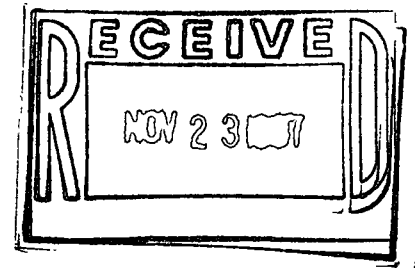


DEVINE & NYQUIST
ATTORNEYS AT LAW
66 HANOVER STREET
DAILY MIRROR OFFICE BUILDING
MANCHESTER, NEW HAMPSHIRE 03101



TELEPHONE: (603) 668-5888

LEE C. NYQUIST
KEVIN C. DEVINE
COREY BELOBROW
MAUREEN E. RAICHE

November 20, 1987

U.S. Environmental Protection Agency
P.O. Box 3409
Reston, Virginia 22091

Superfund Records Center
SITE: Coakley
BREAK: 11.9
OTHER:

RESPONSE TO SECTION 104 REQUEST FOR INFORMATION
FOR COAKLEY LANDFILL, NORTH HAMPTON, NEW HAMPSHIRE,
FILED ON BEHALF OF COAKLEY LANDFILL, INC.

Dear Sir or Madam:

I am pleased to enclose the response of Coakley Landfill, Inc., our client, to the Section 104 Request dated September 15, 1987.

As you are aware, the volume and scope of information and material requested is significant. Our client therefore anticipates that it may need to supplement this Response should additional information or documentation be discovered. Let me assure you that great effort has gone into investigating the pertinent matters, searching for existing documentation, etc.

If you have any questions, comments or concerns, please feel free to contact me or co-counsel, Rory FitzPatrick, Esq., who is with the firm of Bingham, Dana & Gould, in Boston, Massachusetts.

Yours very truly,

A handwritten signature in cursive script, appearing to read "Kevin C. Devine".

Kevin C. Devine

KCD:tw
Enclosure

cc: Rory FitzPatrick, Esq.
Coakley Landfill, Inc.

COAKLEY LANDFILL, INC.
RESPONSE TO REQUEST FOR INFORMATION

RESPONSE TO REQUEST 1

These answers are supplied by Ronald C. Coakley, President, Coakley Landfill, Inc.

Business Address: P.O. Box 190, Greenland, NH 03840
Business Phone: (603) 436-0520
Residential Address: REDACTED - PERSONAL PRIVACY
Residential Phone:
Title: President, Coakley Landfill, Inc.

RESPONSE TO REQUEST 2

The following persons were consulted in preparing the answers to these Requests.

(a) Deborah Borza

Business Address: P.O. Box 190, Greenland, NH 03840
Business Phone: (603) 436-4245
Residential Address: REDACTED - PERSONAL PRIVACY
Residential Phone:
Present Job Title: President, Lamonde, Inc.

(b) Kevin C. Devine, Esq.

Business Address: Devine & Nyquist, Attorneys, 66 Hanover Street, Manchester, NH 03101
Business Phone: (603) 668-5888

(c) Rory FitzPatrick, Esq.

Business Address: Bingham, Dana & Gould, 100 Federal Street, Boston, MA 02110
Business Phone: (617) 348-8000

RESPONSE TO REQUEST 3

The following documents have been reviewed, examined, or referred to in preparing answers to these Requests. A number of these records have already been turned over to TechLaw, the EPA contractor, or forwarded directly to the Environmental Protection

Agency, Region I. For example, the weight slips are presently being microfilmed by TechLaw. Those records which are referred to herein which have not yet been sent to TechLaw or to the Environmental Protection Agency are in the possession of Attorney FitzPatrick in Boston, and are available for the EPA's inspection and copying upon arrangement with Mr. FitzPatrick.

- (a) Coakley Landfill, Inc. copies of weight slips
- (b) Rubbish and ash contracts
- (c) Coakley Landfill, Inc. payroll records
- (d) Coakley Landfill, Inc. tax returns (Attached)
- (e) Records regarding 1979 and 1973 oil spill debris deliveries (Attached)
- (f) Records regarding 1973 septage disposal by Montgomery Ward (Attached)
- (g) Financial records of Coakley Landfill, Inc. (Attached)
- (h) Certain items from general corporate correspondence
- (i) Lists of Great Bay Disposal and Seacoast Trucking Customers (Attached)

RESPONSE TO REQUEST 4

A diligent record search has been undertaken and has been substantially completed. However, in an effort to be sure that all available information responsive to the Request is provided, the record search is continuing. As you are aware, Coakley Landfill, Inc. is no longer an operational enterprise. A complete record search has been completed to identify all former employees, as designated in Response to Request 5. No specific interviewing process with former employees has been undertaken to date.

RESPONSE TO REQUEST 5

Please see attached itemization of former employees, including a description of position and dates of employment.

RESPONSE TO REQUEST 6

Upon receipt of the Request for Information, Ronald C. Coakley, President of Coakley Landfill, Inc., with the assistance of Deborah Borza, reviewed all available records which might contain information called for in the Requests, with the

exception of the weight slips. The records are identified in Response to Request 3. Mr. Coakley further undertook several meetings with counsel to discuss the information learned, and to add information based upon recollection. On the basis of these steps, these Responses were prepared.

RESPONSE TO REQUEST 7

The City of Portsmouth, as the operator of the Landfill from 1972 through 1984, should be able to provide a more detailed and complete response to many of the requests. In addition, each of the transporters of waste should be able to provide more detailed and complete information. Coakley Landfill, Inc. is not aware of the identity of all of the transporters and generators, and its investigation is continuing. At this time, Coakley Landfill, Inc. is able to identify the following entities which are believed to have additional information concerning waste materials delivered to the Landfill:

- (a) Ray Bardwell, Past President of Great Bay Disposal.
(His last known residence was in Dover, NH)
- (b) City of Portsmouth, NH
- (c) Pease Airforce Base
- (d) Town of North Hampton, NH
- (e) Town of Newcastle, NH
- (f) Town of Newington, NH
- (g) Consumat, Inc. or Portsmouth Energy Recovery System
- (h) Global Development Corp. (franchised seller of Consumat equipment)
- (i) Portsmouth Navy Yard
- (j) State of New Hampshire (beach rubbish and road debris people)
- (k) Simplex Wire (Newington)
- (l) U.S. Coast Guard (Newcastle, NH)
- (m) Vito Normantas (Hiram, Maine--incinerator ash)
- (n) Davison Rubber Company
- (o) Any or all oil companies located in Newington, NH and Portsmouth, NH
- (p) Seacoast Trucking (George Frisbee, owner)
- (q) B.F.I. (hailed ash from City of Portsmouth incinerator)
- (r) Chemical Recovery Company (hauler from Portsmouth Naval shipyard)
- (s) S.C.A. of Maine (municipal rubbish)
- (t) Town of Eliot, Maine
- (u) Jet Line Industries

- (v) Griffin Construction, Inc. (Portsmouth, NH--construction debris)
- (w) Ricci Construction, Inc. (Portsmouth, NH--construction debris)
- (x) Pat's Trucking (Portsmouth, NH--household rubbish)
- (y) Therrien Roofing (Manchester, NH--debris from Portsmouth Senior High School and Pease Airforce Base)
- (z) Montgomery Ward Company (Newington, NH--wastewater disposal through Town of Newington)
- (aa) Cleanwater, Inc. (Toms River, NJ--oil spill debris through State of New Hampshire)
- (bb) L.W. Morgridge (Eliot, Maine--construction debris)
- (cc) Booth Fisheries (Portsmouth, NH)
- (dd) Waste Management, Inc. (believe connected to Lakes Region Disposal of Rochester)
- (ee) Lamprey Regional Solid Waste
- (ff) Shivik Associates, Walter F. Shivik (South Hampton, NH or Amesbury, MA 01913), and Robert Young, Newington NH, (connected to 1979 oil spill in Piscataqua River)
- (gg) National Gypsum Company (Portsmouth, NH--sheetrock debris)
- (hh) Sanitas, Inc.
- (ii) Truck A Way
- (jj) Harold Levett (North Hampton)
- (kk) Philbrick Trucking (Richard Philbrick--Newcastle, NH)
- (ll) Trash Man (Exeter, NH)
- (mm) United States Air Force
- (nn) United States Coast Guard
- (oo) United States Navy
- (pp) Calvin Canney (former City Manager of Portsmouth, NH)
- (qq) Public Service Company of New Hampshire
- (rr) Thomas Sweeney (Chief of the New Hampshire Bureau of Solid Waste)
- (ss) City of Lawrence, Massachusetts
- (tt) LaPerle Construction
- (uu) Romaz Construction
- (vv) Coastal Environmental or Coastal Trucking (Dover, NH)
- (ww) Granite State Minerals
- (xx) P. T. Container
- (yy) Ricks Trucking
- (zz) Grossmans
- (aaa) Wiggins Tire
- (bbb) Roof Systems of Maine
- (ccc) Durell Paving
- (ddd) Standard Plumbing
- (eee) Ocean Forrest

(fff) Town of Stratham
(ggg) Town of Greenland
(hhh) Town of Sommersworth
(iii) Town of South Berwick
(jjj) Town of Lee
(kkk) Alco Transmissions
(lll) Anchor Building
(mmm) Ann Ellen Enterprises (Artisan)
(nnn) C. E. Avery
(ooo) Beaconway Store #4
(ppp) Bel Ami Beauty Salon
(qqq) Booth Fisheries
(rrr) Bournival, Inc.
(sss) Bowl-O-Rama
(ttt) Brady Ford
(uuu) Bruno & Stillman Co.
(vvv) Burger King
(www) Mrs. Nancy Carey, REDACTED - PERSONAL PRIVACY
(xxx) Carvel Ice Cream
(yyy) Charmike, Inc.
(zzz) Church of Jesus Christ of Latter Day Saints
(aaaa) Cine 1/2/3/4
(bbbb) Coast Guard Station
(cccc) Continental Cablevision
(dddd) Cumberland Farms
(eeee) Custom Pools
(ffff) Damart Thermalwear
(gggg) Daport Realty
(hhhh) Doherty Volkswagon
(iiii) E-Z Data
(jjjj) Eataliano
(kkkk) Erie Scientific
(llll) Evans Electric Supply
(mmmm) Fayva Shoes
(nnnn) Federal Building and Post Office
(oooo) Genesis Physics Corp.
(pppp) Goss Lincoln-Mercury
(qqqq) Famous Ski Togs, Great Bay Arena
(rrrr) Great Bay School
(ssss) Grossmans
(tttt) Grove Grocery
(uuuu) Gypsum Haulage
(vvvv) Hanscom's - (4)
(www) Happy Wheels Skate Center
(xxxx) Haven School Condominium Association
(yyyy) Hillcrest Trailer Park

(zzzzz) The Helm Corp, Holiday Inn
(aaaaa) Hyder Construction
(bbbbb) Howard Johnson's
(ccccc) Issac Dow House
(ddddd) Jarvis Restaurant
(eeee) K-Mart Automotive
(fffff) Katz Warehouse Carpets
(ggggg) Kentucky Fried Chicken
(hhhhh) Learnco
(iiiii) Lums Restaurant
(jjjjj) McDonalds
(kkkkk) McLaughlin-Mayflower
(lllll) Maaco Auto Painting & Body Works
(mmmmm) Marianne's Shop
(nnnnn) Marple Associates, Marple Apts.
(oooo) Mart Plaza Car Wash
(ppppp) Martin Printing
(qqqqq) Meadowbrook Motor Inn
(rrrrr) Mobil Oil Corp.
(sssss) Montgomery Wards
(ttttt) Moulton Supply
(uuuuu) Mister Donut
(vvvvv) Mr. Pancake Man (2) (1 Mo Wong)
(wwwww) National Guard Armoury
(xxxxx) Gold Bond Building Products (National Gypsum)
(yyyyy) New Hampshire Glass
(zzzzz) N.H. Technical Institute
(aaaaaa) Northern Utilities
(bbbbbb) Off The Wall Racquet Club
(ccccc) Osco Drug
(ddddd) Palmer Chenard
(eeeeee) Mr. Nick Pappas
(ffffff) The Parts Place
(gggggg) Patriots Park
(hhhhhh) Pebble Beach Motel
(iiiii) Pet Emporium
(jjjjjj) Pizza Hut, Lafayette Road
(kkkkkk) Pizza Hut, Woodbury Avenue
(llllll) Port City Datsun
(mmmmm) Port City Glass
(nnnnn) Port City Motel
(ooooo) Portland Glass
(pppppp) Portsmouth American Legion
(qqqqqq) Portsmouth Apartments
(rrrrrr) Portsmouth County Club
(sssss) Portsmouth Herald

(tttttt) Portsmouth Manor
(uuuuuu) Portsmouth Produce Company
(vvvvvv) Portsmouth School Dept. (Dondero, New Franklin, Jr.
High)
(wwwww) Post Machinery Company
(xxxxxx) Prescott Park
(yyyyyy) Public Service (Daniel Street, Lafayette Road,
Newington Station, Schiller Station)
(zzzzzz) Ralph's Truck Sales
(aaaaaaa) Red Lion Restaurant
(bbbbbbb) Reed Oldsmobile
(ccccccc) James A. Shanely Corp. (Riverbrook Apts.)
(ddddddd) Rockingham Electric
(eeeeeee) Rockingham House
(fffffff) Rockingham Pipe & Supply
(ggggggg) St. Patricks School
(hhhhhhh) S & H Presision Mfg. Co.
(iiiiiii) Sagamore Apts.
(jjjjjjj) Saluan Sports
(kkkkkkk) Sanel Auto Parts
(lllllll) Seacoast Mfg.
(mmmmmmm) Seacoast Regional Counseling Center
(nnnnnnn) Sherwin-Williams Paint
(oooooooo) Skyline Inc.
(ppppppp) Sofspra
(qqqqqqq) Sousa (Islington Street and Woodbury Avenue)
(rrrrrrr) Star Sport Center
(sssssss) State Liquor Store #6
(ttttttt) John T. Clark & Son, Inc. (State Pier)
(uuuuuuu) State Street Exxon
(vvvvvvv) Stop & Go Grocery
(wwwwwww) Stratham Tire (Portsmouth Store)
(xxxxxxx) Strawberry Banke
(yyyyyyy) Stuart Shaines Office
(zzzzzzz) GTE Products Corporation Warehouse
 (a-1) Taccetta Chevrolet
 (b-1) Tire Loft, Inc.
 (c-1) Tire Man
 (d-1) Toner Pharmacy
 (e-1) Tortilla Flat
 (f-1) Two Brewers Steak House
 (g-1) Viking Queen
 (h-1) Treadwill House (Waldron Apts.)
 (i-1) Washburn Plumbing
 (j-1) Watts Fluid Power
 (k-1) Welders Supply

(l-1) Whites Farm & Garden Center
(m-1) Wiggin Tire
(n-1) Woodbury Avenue Shell
(o-1) Worth Development Corp.
(p-1) Line Lumber
(q-1) LTP Enterprises
(r-1) Marcoda Per Shop
(s-1) Marty's Hide-A-Way Steak House
(t-1) North Hampton Airport
(u-1) North Hampton Shell
(v-1) Shop'N Save
(w-1) Soldati's
(x-1) Village-By-The-Sea
(y-1) Wellby Drug Store
(z-1) A & P
(a-2) Advent Corp.
(b-2) Berkshire Builders Farragut School
(c-2) Data General
(d-2) Diaphragm Industries
(e-2) K-Mart
(f-2) Liberty Mutual Insurance Co.
(g-2) McDonalds
(h-2) Pic'N Pay
(i-2) Pickering Associates Whipple School
(j-2) Porteous Mitchell & Bruan
(k-2) Seppala & Aho Heritage Avenue
(l-2) State Liquor Store #38
(m-2) State Pier
(n-2) Turner Construction @ Liberty Mutual
(o-2) Yoken's
(p-2) ABCO Transmission, Lafayette Road
(q-2) Aeschliman, 473 Middle Street
(r-2) Anchorage Motel, Woodbury Avenue
(s-2) Arco Mill Works, Sibony Street
(t-2) Blaisdell Printing
(u-2) Bonanza Restaurant
(v-2) Bowl-O-Rama
(w-2) Bread Box, Islington Street, 400 Broad Street
(x-2) Brooks Discount
(y-2) Bureau of Marine Services
(z-2) Cabey Street Market
(a-3) Callahan General
(b-3) Caribe Enterprises, 548 Broad St., 185 Maddison St.
(c-3) Casual Male
(d-3) Chases Market, Heights and Maplewood Avenue
(e-3) China Empress

(f-3) Colonial Services
(g-3) Cricklewood Trust, Maddison Street
(h-3) Diamond Lumber
(i-3) Dinnerhorn Restaurant
(j-3) Domino Pizza
(k-3) Don's ARCO, Middle Street
(l-3) Don's Bakery
(m-3) Edgewood Manor
(n-3) Edwards Toyota
(o-3) European Pizza
(p-3) Eveland, 241 Middle Street
(q-3) Fordleman, Court Street
(r-3) Gallagher's
(s-3) G & L Auto
(t-3) Goldie's Deli
(u-3) Goodwin General
(v-3) Gowen, South Street, 147 State Street, Shesfer Street
(w-3) Griffin Construction
(x-3) Grove Grocery
(y-3) Hammer Industrial
(z-3) Harbour Cafe
(a-4) Harvest House
(b-4) House of a Different Color Tavern
(c-4) Hysler's Auto
(d-4) Inafolla Industries
(e-4) Insafolla Service & Supply
(f-4) Imperial Cleaners
(g-4) In & Out Fish
(h-4) Joe's Shell
(i-4) Kings
(j-4) Lafayette Plaza
(k-4) LaVerdier's
(l-4) Levy's Diet
(m-4) Library Restaurant
(n-4) Link-Maker
(o-4) Moose Club
(p-4) Maplewood Associates
(q-4) Moss Gas
(r-4) Matthew Marsh House
(s-4) Moe's Sandwich
(t-4) N.E. Blind
(u-4) Northeast Federal Credit Union
(v-4) Nely-Tyring, Barfield Road
(w-4) Ned-Lad
(x-4) N.H. Glass
(y-4) N.H. Prouisier

(z-4) Orient Express, 55 Columbia Court, 182 Market Street,
1094 Woodbury

- (a-5) Motor Mart
- (b-5) Portsmouth Dodge
- (c-5) Parade Mall
- (d-5) Portsmouth Radiator
- (e-5) Riddle, Duck Road
- (f-5) Radio Shack (Kings, Raynes Avenue)
- (g-5) Reading & Greeting (K-Mart)
- (h-5) Richardson's Market
- (i-5) Ricci Aupply
- (j-5) Rockingham Pipe
- (k-5) Rusty Hammer, Sagamore, 62 Congress, 1039 Islington
- (l-5) Salon Patricia
- (m-5) Sanders Lobster
- (n-5) Seaport Club
- (o-5) Sears
- (p-5) Scoreboard
- (q-5) Seacoast Auto Parts
- (r-5) Seaside Parties
- (s-5) Service-All Rental
- (t-5) Shanley, 290 Pleasant Street
- (u-5) Shaw's
- (v-5) Sibson (44 High St., 240 Middle St.)
- (w-5) Smith Office
- (x-5) Stop & Shop
- (y-5) State Transportation
- (z-5) Sweaterville U.S.A.
- (a-6) Ted Long Exxon
- (b-6) Teddy's Lunch
- (c-6) Tuff Kote
- (d-6) U.S. Army Reserve
- (e-6) U.S. Post Office
- (f-6) Victory Spa
- (g-6) V.F.W.
- (h-6) Warehouse Tavern
- (i-6) Warwick Club
- (j-6) Weather Watch Heating
- (k-6) Week's Restaurant
- (l-6) Winebaum Reality
- (m-6) Woolworths
- (n-6) Yoken's Gift
- (o-6) Seacrest Village
- (p-6) Maple Haven
- (q-6) Gossling Meadows
- (r-6) Town of Rye

- (s-6) Browning Ferris Industries (BFI)
- (t-6) C.T. Disposal (Greenland, NH)
- (u-6) H.E. Boufford (Kittery, ME)
- (v-6) Any residents of the involved towns and municipalities
- (w-6) Yudy's Tire

Lists of customers of both Great Bay Disposal and Seacoast Trucking are attached. Coakley Landfill, Inc. is unaware of what specific additional documents these persons and entities may have.

RESPONSE TO REQUEST 8

RCF. The current owner of the landfill proper is Coakley Landfill, Inc. (CLI). CLI purchased the property in 1978. Copies of the purchase documents are not in the Corporation's possession, but are believed to be in the possession of Jeremy Waldron, Esq., Secretary of the Corporation. Attorney Waldron's address is 165 Court Street, Portsmouth, NH. CLI will attempt to secure such documents and make them available by supplemental response. CLI employees worked earthmoving machinery at the site until its closure in 1984. The City of Portsmouth operated at the site from 1972 through 1984 pursuant to contracts, copies of which have previously been provided. The Town of North Hampton held the permit for the landfill operation from 1972 through 1984.

RESPONSE TO REQUEST 9

No specific yearly maps were prepared by the Corporation. Around 1980, Kimball and Chase (50 Bridge Street, Portsmouth, NH) prepared profiles and contours for the New Hampshire Bureau of Solid Waste Management, in connection with the shift ash disposal. Coakley Landfill, Inc. is still searching to determine whether it has copies of these plans. It is believed, however, that both Kimball and Chase would have the plans, as would the State of New Hampshire.

To assist in this Response, Ronald Coakley, President of Coakley Landfill, Inc., has drawn the attached rough sketch outlining the general area and showing certain town lines and property boundaries. Identified on the map are certain areas outside of the landfill proper where the two deliveries of oil spill debris were delivered in 1973 and 1979. Also shown is the

area where so-called "Black Beauty" sand was delivered from the Portsmouth Naval Yard.

The landfill proper was approximately 29 acres in the town of North Hampton, New Hampshire. There are no buildings, tanks or subsurface structures in the landfill proper. There was a scale and trailer near the entrance. Also depicted on the map are four underground storage tanks located in the vicinity of the farmhouse and barn on property which is not owned by CLI and which is not part of the landfill. It is believed that these tanks are utilized by the present owner of the farmhouse and barn for the storage of petroleum products.

All information regarding groundwater wells is believed to be in the possession of the State of New Hampshire or its subcontractor for the Remedial Investigation.

Substantial excavation work in the vicinity of the landfill proper was undertaken prior to utilization of the property as a municipal landfill. Ongoing excavation and filling were a regular part of the landfill operation, as new cells were constructed and filled with municipal garbage. CLI is not in possession of documentation which would indicate specific dates for such work.

RESPONSE TO REQUEST 10

The landfill proper was originally owned by Patrick Coakley and Erna Coakley, jointly. After Patrick Coakley's death in August of 1972, the site was inherited by Erna Coakley, Ronald Coakley, Deborah Borza, Neil Coakley, and Patricia Case. The Estate of Patrick Coakley owned the landfill until 1974. From 1974 until 1978, the landfill was owned by those who had inherited it. Then, Coakley Landfill, Inc. was incorporated and acquired ownership of the landfill.

At the times discussed, no one involved in the ownership of the landfill thought the materials were "hazardous." The landfill was a duly permitted municipal sanitary landfill under the supervision of the State of New Hampshire, the Town of North Hampton, and the City of Portsmouth. Not having been provided with copies of the background data or other documentation connected with the Remedial Investigation, nor having received a copy of the Remedial Investigation, Coakley Landfill, Inc., to date, is not aware that hazardous materials have been released at

or from the landfill. Coakley Landfill, Inc.'s first notice that hazardous materials may have been released came in the Spring of 1983 when State officials arrived and asked if they could perform some tests as a result of certain complaints from neighbors. CLI is aware of no prior notice to owners of the site.

RESPONSE TO REQUEST 11

During the entire operation of the Landfill, from 1972 through 1984, the principal operator was the City of Portsmouth. The City had primary responsibility for (a) manning the entrance gate and determining who was authorized access to the Landfill; (b) issuance of decals and permits for access to the Landfill; and (c) determination of what towns, municipalities, or other entities and persons would be allowed to also dispose of garbage at the Landfill. For the last few years of garbage (i.e., pre-ash contract) operation, CLI also had the right to authorize other municipalities and entities to use the site; however, this was done on a very limited basis.

Based upon the broad definition of the term "operator," as defined in the statutes referred to in your Request for Information, it further appears that some operational duties, in the nature of garbage compaction, etc., were jointly performed by Patrick Coakley prior to his death in August, 1972. From that time until 1978, at which time Coakley Landfill, Inc. obtained the Landfill property, daily operations at the Landfill were handled by Erna Coakley, Tom Borza, and Neil Coakley, at various times. Again, however, principal operations were governed even then by the City of Portsmouth. Once Coakley Landfill, Inc. obtained ownership of the Landfill property, its employees were on the site on a daily basis with employees from the City of Portsmouth to handle the day-to-day operations.

At the times discussed, no one involved in the operations of the Landfill thought the materials were "hazardous." The Landfill was a duly permitted municipal sanitary landfill under the supervision of the State of New Hampshire, the Town of Hampton, and the City of Portsmouth. The first notice that Coakley Landfill, Inc. received that hazardous materials may have been released came in the Spring of 1983, when state officials arrived and asked if they could perform some tests as a result of certain complaints from neighbors. Coakley Landfill, Inc. is aware of no prior notice to operators, although the City of Portsmouth may have additional information in this regard.

RESPONSE TO REQUEST 12

The State of New Hampshire carried out a Hydrogeological Investigation through the Hydrogeological Investigation Unit of the New Hampshire Water Supply and Pollution Control Commission. The Commission report was issued in 1986. A copy of this report is available from the State of New Hampshire. Coakley Landfill, Inc. does not have any additional technical or analytical information about the Site.

RESPONSE TO REQUEST 13

At this time, Coakley Landfill, Inc. has not retained any consultants to perform any investigations of the soil, water, geology, hydrogeology or air quality on or about the Site. If Coakley Landfill, Inc. decides to do so in the future, it will supplement this response and provide the appropriate information.

RESPONSE TO REQUEST 14

At the time Coakley Landfill, Inc. acquired the Site in 1978, the Site had been operating as a Landfill since 1972. At the times discussed, no one involved in the ownership of the Landfill thought the materials were "hazardous." The Landfill was a duly permitted municipal sanitary landfill under the supervision of the State of New Hampshire, the Town of North Hampton, and the City of Portsmouth. Not having been provided with copies of the background data or other documentation connected with the Remedial Investigation, nor having received a copy of the Remedial Investigation, Coakley Landfill, Inc., to date, is not aware that hazardous materials have been released at or from the Landfill. Coakley Landfill, Inc.'s first notice that hazardous materials may have been released came in the Spring of 1983 when State Officials arrived and asked if they could perform some tests as a result of certain complaints from neighbors. Coakley Landfill, Inc. is aware of no prior notice to the owners.

RESPONSE TO REQUEST 15

Coakley Landfill, Inc. incorporates by reference herein its response to Request 14 above. At the time Coakley Landfill, Inc.

acquired the Site, it relied on the fact that the Site was a duly permitted municipal sanitary landfill under the supervision of the State of New Hampshire, the Town of North Hampton, and the City of Portsmouth. Coakley Landfill, Inc. did not believe that any further investigation was required, as no fewer than three governmental bodies had reviewed and approved the site for the use as a municipal sanitary landfill.

RESPONSE TO REQUEST 16

Coakley Landfill, Inc. did not acquire the facility by inheritance or bequest. The prior owners did acquire the facility by inheritance, as described in response to Request 10, above.

RESPONSE TO REQUEST 17

The City of Portsmouth should have the information which is responsive to this Request. The only information available to Coakley Landfill, Inc. at this time is set forth in a letter dated March 13, 1985, from Attorney Kevin C. Devine to James J. Flynn, Assistant City Attorney of the City of Portsmouth. A copy of that letter is attached.

RESPONSE TO REQUEST 18

Yes. Under the supervision and direction of the City of Portsmouth, employees of Coakley Landfill, Inc. stored, disposed of and handled materials at the Landfill. Decisions as to what waste could be deposited at the Site, which transporters were permitted to bring waste to the Site, and which generators' waste would be accepted were the responsibilities of the City of Portsmouth. It was the understanding of Coakley Landfill, Inc. that the waste to be deposited at the Site was to be municipal waste, and Coakley Landfill, Inc. was not aware of "hazardous" waste being deposited. See Coakley Landfill, Inc.'s response to Request 14, above.

Coakley Landfill, Inc. cannot estimate the amount of material deposited at the Site, but believes that thousands of tons were deposited there each year. These materials were deposited on an ongoing basis during the entire time that the Site was operated as a Landfill, from 1972 through 1985. The

R.C.C.

City of Portsmouth is the party most knowledgeable as to the persons who supplied the materials which were deposited at the Site, but Coakley Landfill, Inc. has identified all of the entities as to which it has knowledge in response to Request 7, above. The operations carried out by employees of Coakley Landfill, Inc. were to deposit in the Landfill the materials brought in and accepted by the City of Portsmouth, and to cover over those materials.

RESPONSE TO REQUEST 19

Coakley Landfill, Inc. does not have knowledge of leaks, spills, or releases or threats of releases of any kind into the environment of any hazardous materials that have occurred or may occur at or from the Site. See the response to Request 14, above.

The Commission Report prepared by the New Hampshire Water Supply and Pollution Control Commission, identified in response to Request 12, above, concluded that there was groundwater contamination in the vicinity of the Landfill, which was first discovered in February, 1983. Information with respect to this is available from the State of New Hampshire. In addition, the contractor performing the Remedial Investigation for the Environmental Protection Agency may have additional information.

Coakley Landfill, Inc. also notes that directly adjacent to the Site is another municipal landfill operated by the Town of Rye. Materials similar to those deposited at the Coakley Landfill, Inc. were deposited there, and continued to be deposited there even after Coakley Landfill, Inc. ceased operations in 1985. *RCC*

RESPONSE TO REQUEST 20

Coakley Landfill, Inc. is not aware of any subsurface disposal systems or floor drains located at the Site, and there are no buildings located at the Site. In addition, Coakley Landfill, Inc. has no knowledge of any release or threatened release other than may be described in the Commission Report identified in response to Request 12, above.

RESPONSE TO REQUEST 21

Coakley Landfill, Inc. does not have full information on the identity of the transporters. The City of Portsmouth, as the principal operator of the Landfill throughout its operation, was responsible for determining which entities would be permitted to haul materials to the Site, for determining what materials could be deposited at the Site, for providing these transporters with decals, permits and other appropriate documentation, and for maintaining records concerning the identity of haulers, amount of materials, etc. All billing and payments were arranged through agreements and contracts between the City and the transporters. These agreements and contracts were not made available to Coakley Landfill, Inc.

Coakley Landfill, Inc. has identified each of the transporters of which it has knowledge in response to Request 7. Additional information may also be derived from the weight slips, copies of which have been provided to Tech Law.

Coakley Landfill, Inc. and the prior owners of the Landfill had no information that the materials deposited at the Site were "hazardous." The Landfill was operated under a permit granted by the State of New Hampshire and held by the Town of North Hampton, and was operated by the City of Portsmouth. The first notice to Coakley Landfill, Inc. that hazardous materials may have been released at the Site came in the Spring of 1983 when State Officials arrived and asked if they could perform some tests as a result of certain complaints from neighbors. Coakley Landfill, Inc. is aware of no prior notice to the owners. In fact, Coakley Landfill, Inc. had been advised on a number of occasions by State and City Officials that the Landfill was a "model" of proper operation.

RESPONSE TO REQUEST 22

As previously set forth, the City of Portsmouth undertook responsibility for authorizing entrance to the Landfill. Coakley Landfill, Inc. is unaware of any instances of disposal when the Landfill was closed or through specifically unauthorized entrance, as the City maintained the gate and was supposed to allow entrance only to authorized and permitted vehicles.

During the timeframe between 1976 and 1977, the Landfill owners became concerned that Seacoast Trucking (George Frisbee)

might be delivering waste not only from the Pease Air Force Base residential strip, but also from the commercial strip. A letter was written to Mr. Calvin Canny, Manager of the City of Portsmouth, demanding that any such disposal be ceased.

The two deliveries of debris from oil spill cleanup previously identified were done under the direction of the State of New Hampshire through Mr. Thomas Sweeney, who was then the Chief of the Bureau of Solid Waste Management.

Coakley Landfill, Inc. believes that, on occasion, the City authorized Jetline to dispose of certain materials under City permit. However, Coakley Landfill, Inc. is not specifically aware of what those materials were, but understand that the deliveries were authorized by the City of Portsmouth.

Around 1978, Great Bay Disposal Company was observed to deliver a load of shoe leather scraps. Upon inquiry of Great Bay, it was discovered that Tom Borza had authorized the delivery, even though the source of the shoe leather was outside of the Portsmouth contract. Mr. Borza was thereupon fired from his duties by the owners.

On occasion, the City of Portsmouth was noted to dispose of sludge from its Sewage Treatment Plant. Again, the City authorized this and was in complete control of the situation.

After learning that an environmental problem might have occurred at the Landfill, Coakley Landfill, Inc. wrote to the City of Portsmouth asking to be released from its ash contract so that it could close the gates. The City of Portsmouth refused to terminate shipments, and continued depositing ash on the Landfill over the protests of Coakley Landfill, Inc.

RESPONSE TO REQUEST 23

The City of Portsmouth should have far more information concerning generators than does Coakley Landfill, Inc. All persons whose waste was delivered to the Landfill that are known to Coakley Landfill, Inc. have been identified in response to Request 7. If any tests or analyses were done concerning the materials delivered, such information would be known to either the City of Portsmouth, the transporters, or the transporters' customers.

This Request, like several others, asks for identification of hazardous materials. During the times in question, no one involved in the ownership of the Landfill thought or knew that the materials were hazardous, as that term is apparently utilized today. Again, the Landfill was a duly permitted municipal sanitary landfill under the supervision of the State of New Hampshire, the Town of North Hampton, and the City of Portsmouth.

Accordingly, Coakley Landfill, Inc. has no information responsive to Question 23 other than as previously provided.

RESPONSE TO REQUEST 24

The correct legal name of the Company is Coakley Landfill, Inc. Ronald C. Coakley is and has been the President and Chairman of the Board. The address of the Company is Post Office Box 190, Greenland, New Hampshire 03840. The Company has not done business under, and has not been known by any other names.

RESPONSE TO REQUEST 25

Not applicable.

RESPONSE TO REQUEST 26

The Company is incorporated in the State of New Hampshire. Its agent for service is Jeremy R. Waldron, 339 Lafayette Road, Portsmouth, New Hampshire 03801. The Company has never had an "EPA identification number," and to the best of its knowledge none was ever required.

RESPONSE TO REQUEST 27

At the present time, the Company is not transacting any business. It remains the owner of the Landfill Site. From 1978 through the close of the Landfill in 1984, the nature of the Company's business was ownership of the Site and the provision and operation of machinery for compacting and covering the municipal garbage deposited at the Site. For a short period of time, the Company also acted as a contractor for hauling ash from the Consumat Incinerator at Pease Air Force Base.

RESPONSE TO REQUEST 28

The Company operated in North Hampton, New Hampshire from the date of its incorporation in 1978 through June of 1985.

RESPONSE TO REQUEST 29

Copies of the declaration pages and the pollution exclusion deletion endorsements of most of the applicable insurance policies have already been provided to the EPA's contractor, Tech Law. Those sheets provide the information sought in Sections A through E of this Request. Copies of the complete policies are in the possession of counsel for Coakley Landfill, Inc., Rory FitzPatrick, Bingham, Dana & Gould, 100 Federal Street, Boston, Massachusetts 02110. These will be made available for inspection and copying.

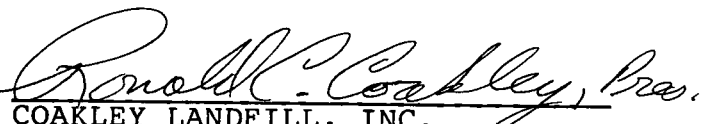
RESPONSE TO REQUEST 30

All of Coakley Landfill, Inc.'s financial records for the last five years which have been located to date are being submitted herewith. We will make available any additional corporate financial records which are located when they become available.

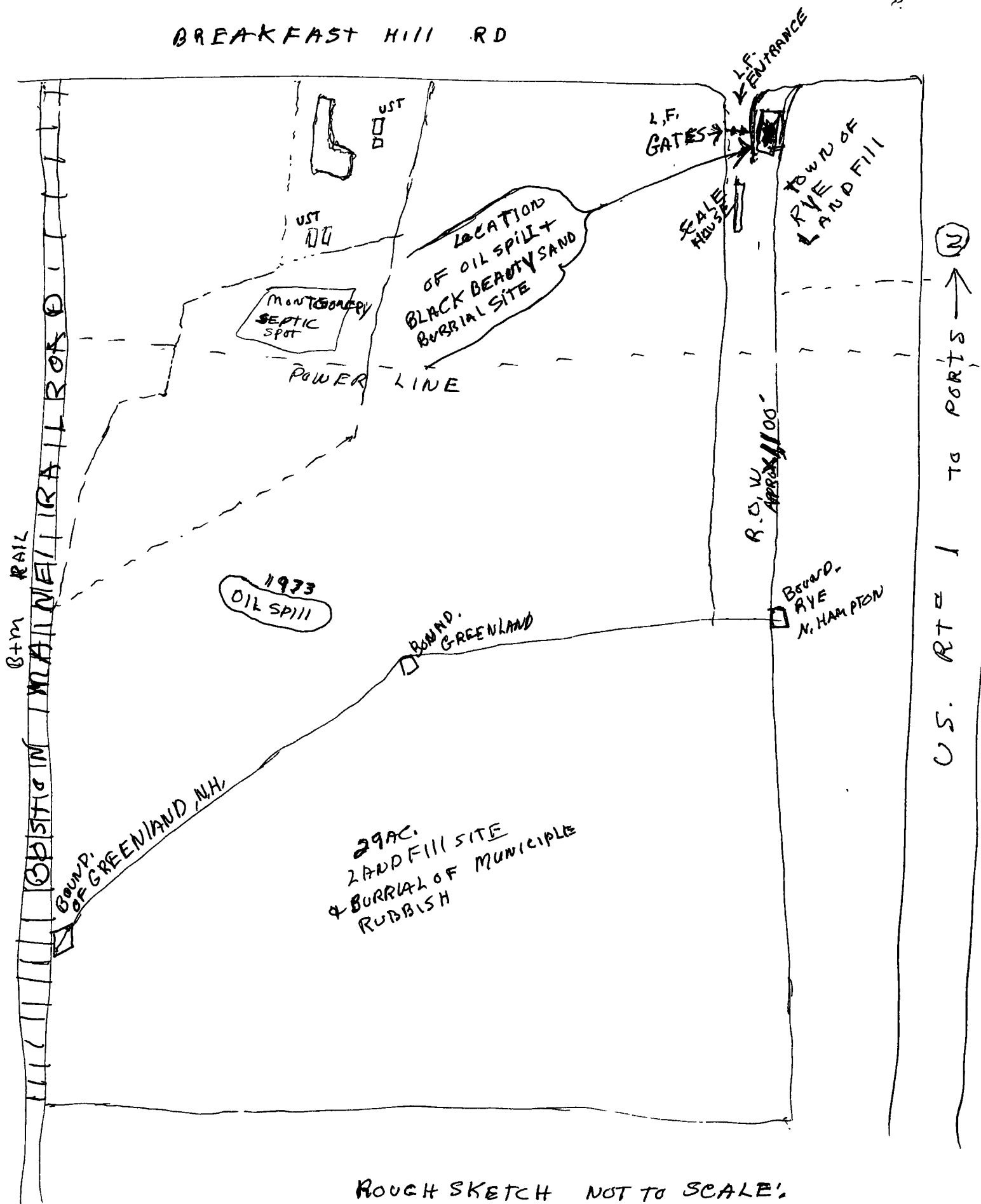
RESPONSE TO REQUEST 31

Coakley Landfill, Inc. has the following assets at this time. First, the Corporation owns the Landfill proper. Second, the Corporation has a checking account at the First National Bank (Portsmouth office), with a balance of approximately \$1,000.00. Third, the Corporation has a money market account at the same bank with an approximate balance of \$2,500.00. The Corporation has retainer accounts with the law firms of Devine & Nyquist, and Bingham, Dana & Gould, with reference to this matter and the suit styled Richard and Evelyn Ferland v. Coakley Landfill, Inc., et al.

Date: November 20, 1987


COAKLEY LANDFILL, INC.
By Ronald C. Coakley,
Its President

BREAKFAST HILL RD



ROUGH SKETCH NOT TO SCALE!

BINGHAM, DANA & GOULD

100 FEDERAL STREET
BOSTON, MASSACHUSETTS 02110

TELEPHONE: (617) 348-8000
TELEX: 275147 BDGBSN UR
CABLE ADDRESS: BLODGHAM BSN
TELECOPY: (617) 542-0036

WASHINGTON OFFICE:

SUITE 400
1724 MASSACHUSETTS AVENUE, N W
WASHINGTON, D.C 20036
TELEPHONE (202) 822-9320
TELECOPY (202) 833-1506

ROUTE 128 OFFICE:

BAY COLONY CORPORATE CENTER
950 WINTER STREET
WALTHAM, MASSACHUSETTS 02154
TELEPHONE (617) 890-0922
TELECOPY (617) 890-0955

CAPE COD OFFICE:

901 MAIN STREET
OSTERVILLE, MASSACHUSETTS 02655
TELEPHONE (617) 420-0283
TELEX 940661 CROWLEY OSTV
TELECOPY (617) 428-1900

EUROPEAN OFFICE:

39 VICTORIA STREET
LONDON SW1H 0EE
TELEPHONE 011-44-1-799-2646
TELEX: 888179
TELECOPY 011-44-1-799-2654

November 23, 1987

BY HAND

Mr. Paul Marchessault
Environmental Protection Agency
Region I
JFK Federal Building
Boston, MA 02203

Re: Coakley Landfill, Inc.

Dear Paul:

Enclosed is a copy of the response to the Request for Information which we filed on behalf of Coakley Landfill, Inc. The original was sent to the EPA office in Virginia, as specified in the Request Letter. Please give me a call if you have any questions on this.

Very truly yours,

Rory FitzPatrick/bal
Rory FitzPatrick

RF:bal

#8468W

Enclosure

cc: Mr. Ronald C. Coakley
Kevin C. Devine, Esq.

Superfund Records Center
SITE: Coakley
BREAK: 11.9
OTHER: _____